TRAVANCORE LEGISLATIVE COUNCIL.

SECOND COUNCIL.

SECOND SESSION, OF 1101.

(*OFFICIAL REPORT.*)

Thursday, the 19th August 1926/3rd Chingam 1102.

The Council met in the Victoria Jubilee Town Hall at 11-30 of the clock, M. E. Watts, Esq., B. A., Barrister-at-Law, Dewan, presiding. All except the following members were present :—Mr. J. B. Cook, Mr. A. K. Pillai, Mr. T. J. Matthew, Mr. S. Piraviperumal Pillai and Mr. S. Subrahmanya Karayalar.

QUESTIONS AND ANSWERS.

Flogging of a Convict in the Central Prison for writing Petitions.

175. **MR. K. MADHAVAN PILLAI** (*Trivandrum cum Nedumangad*): (*a*) Will the Government be pleased to state whether their attention has been drawn to a statement contained in paragraph 13 of the Report on the administration of the Central Prison for the year 1099 that two convicts had been flogged for having been found writing anonymous petitions ?

(*b*) Have they approved of this form of punishment for writing petitions ?

(*c*) If so, had they perused Prison Rule No. 256 before giving their approval ?

(*d*) Will they be pleased to lay on the table a copy of the order of the Superintendent awarding the punishment of flogging for writing anonymous petitions ?

(*e*) Will the Government be pleased to lay on the table copies of remarks made in the Prison Visitors' Book by the non-official visitors during the last six months of 1101 ?

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[Mr. K. Madhavan Pillai.]

(*f*) Will they be pleased to lay on the table copies of remarks made by the official visitors during the last three months of 1101?

MR. K. GEORGE (*Chief Secretary to Government*): (*a*) Yes.

(*b*) Flogging is a form of punishment which, under the Jail Rules, the Superintendent is competent to inflict and the Government's approval is not necessary in such cases.

(*c*) This does not arise in view of the answer to part (*b*).

(*d*) A copy* of the Superintendent's order is laid on the table.

(*e*) and (*f*) Copies† of remarks made in the Visitors' Book by the non-official visitors during the last six months and by the official visitors during the three months ending Mithunam 1101 are laid on the table.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): With reference to the answer to part (*b*), may I know whether after the receipt of the interpellation the Government satisfied themselves that flogging was a suitable form of punishment for writing petitions?

MR. K. GEORGE (*Chief Secretary to Government*): It depends upon the circumstances of the particular case whether flogging is suitable or not.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know whether the Government satisfied themselves that in this particular case the circumstances were such that flogging was necessary?

MR. K. GEORGE (*Chief Secretary to Government*): The Government did not disapprove of it.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Did they, by silence, approve of it?

MR. K. GEORGE (*Chief Secretary to Government*): No approval is necessary. Under the rules, the Superintendent is empowered to inflict flogging.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Does not Rule 256 expressly state that unless all other means of punishments have been tried and failed no flogging should be allowed?

MR. K. GEORGE (*Chief Secretary to Government*): The particular instance of flogging is explained in the Jail Superintendent's order.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): It is said in the answer that the petition was with a view to awe and to intimidate the jail officers and to bring the presence of the Magistracy in the jail. May I know why the jail authorities should be afraid of the Magistracy?

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* *Vide* Appendix I A—page 747. † *Vide* Appendix I B—pages 747 to 749.

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MR. K. GEORGE (*Chief Secretary to Government*): It does not arise. The man who was writing the anonymous petition is also a hardened criminal.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): It may be so, but the rules do not say that.

MR. K. GEORGE (*Chief Secretary to Government*): In the case of hardened criminals, the rules permit the Superintendent to take disciplinary action against them.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Did the Government satisfy themselves that the conditions laid down in the Penal Code as regards whipping had been carried out in this instance? In the Penal Code it is said that a man ought to be below a certain age and that whipping ought not to be inflicted on persons sentenced to imprisonment beyond three or four years, I do not remember exactly.

MR. K. GEORGE (*Chief Secretary to Government*): How can I answer a question which the member does not know exactly?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know the age of these convicts?

MR. K. GEORGE (*Chief Secretary to Government*): It must be presumed that they were of the age for which flogging could be inflicted.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Why should they presume that? May I know whether the Government ascertained that information after my interpellation?

MR. K. GEORGE (*Chief Secretary to Government*): The interpellation was only whether the Government approved the punishment.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): My question was also whether the Government also perused the rule?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, they perused the rules.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): If they perused the rules, are they in a position to say whether the men are below or above 45 years of age?

MR. K. GEORGE (*Chief Secretary to Government*): They did not enquire about the age.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know whether it did not appear to the Government that, from the statement of the Superintendent that the object of the anonymous petition was to awe and intimidate the jail officials and to bring the Magistracy there, there is an element of bias against the prisoner?

MR. K. GEORGE (*Chief Secretary to Government*): The punishment was inflicted not by a judicial officer but it was inflicted only to enforce discipline.

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MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*) : Am I to understand that it is allowed in all cases ?

MR. K. GEORGE (*Chief Secretary to Government*) : It depends upon the circumstances of each case.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : May I know from Government whether writing an anonymous petition is a very great offence ?

MR. K. GEORGE (*Chief Secretary to Government*) : It is a question of opinion and the Government consider, that in the present case, it is one such.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : May I know how the convicts got into possession of paper and pen within the jail walls ?

MR. K. GEORGE (*Chief Secretary to Government*) : I do not know.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : How is it that other people abetted in getting possession of these things ?

MR. K. GEORGE (*Chief Secretary to Government*) : That does not arise out of this question.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : It does arise as the abettor has not been found guilty.

MR. K. GEORGE (*Chief Secretary to Government*) : But that circumstance does not in any way minimise the offence.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : I wish to know how these convicts came into possession of paper and ink ?

MR. K. GEORGE (*Chief Secretary to Government*) : The question was only about the flogging.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*) : May I take it that flogging is a suitable form of punishment for writing anonymous petitions ?

MR. K. GEORGE (*Chief Secretary to Government*) : I do not say so in those general terms. What I say is that writing anonymous petitions with a view to disturb the jail discipline is certainly a very grave offence and in such cases flogging is a suitable form of punishment.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Nedvangad*) : May I know whether bringing the presence of Magistrate in the jail is a breach of discipline ?

MR. K. GEORGE (*Chief Secretary to Government*) : It is not so in itself. But it is not by means of anonymous petitions that it should be done.

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MR. K. MADHAVAN PLLAI (*Trivandrum* cum *Neduvangad*): Then to whom is he to complain?

MR. K. GEORGE (*Chief Secretary to Government*): There are non-official visitors to whom he can complain. I do not know why he should bring in a Magistrate.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Cannot he make a complaint to the Magistrate?

MR. K. GEORGE (*Chief Secretary to Government*): Not by an anonymous petition.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Then how can he do it?

MR. K. GEORGE (*Chief Secretary to Government*): In the usual formal manner.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I take it that a prisoner who attempts to lay a complaint before a Magistrate is to be flogged for doing so?

MR. K. GEORGE (*Chief Secretary to Government*): He did not lay a complaint but wrote an anonymous petition.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Petition to whom?

MR. K. GEORGE (*Chief Secretary to Government*): To the Magistrate.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What was the object?

MR. K. GEORGE (*Chief Secretary to Government*): It is specified in the order of the Superintendent.

PRESIDENT: Mr. Madhavan Pillai, you are subjecting him to a cross-examination which I cannot allow.

Vernacular Schools opened during 1098—1100.

176. **MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): Will the Government be pleased to state the number of Vernacular schools of all grades newly opened during the three years 1098-1100 by private agencies and the number opened by the Department of Education during the said period?

MR. K. GEORGE (*Chief Secretary to Government*): A statement* containing the information required by the member is laid on the table.

Report on the Improvement of River Communications.

177. **MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvargad*): Will the Government be pleased to lay on the table a copy of Mr. John Kurien's report on the improvement of river communications and also that of the Minor Irrigation Committee, Trivandrum taluk?

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): (1) In regard to the first part, the member is referred to the answer to interpellation No. 94 given on the 11th August 1926.

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* *Vide* Appendix II—page 749.

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Appendix I A.

***Vide* Answer to Question No. 175.**

Copy of Proceedings of the Superintendent, Central Prison, dated 21-9-1099.

Read Deputy Jailor's report dated 20-9-1099.

Deputy Jailor has reported that during his inspection in the solitary wards during noon he has found convicts Nos. 7974 and 8686 together in a cell. Convict No. 7974 was dictating and 8686 writing a petition to the District Magistrate and he searched and found copies of previous petitions with the receipts hidden underneath his mat. A few chackrams also were found.

On enquiry, I learn that prisoner, convict No. 7974, is in the habit of clandestinely sending anonymous petitions to the Magistrates just to worry the Jail authorities by bringing the presence of the Magistracy in the Jail. The contents of the petition were simply frivolous charges against some Jail officers. Convict No. 8686 confessed to me that he has written, at the instance of convict No. 7974, another petition in the previous month and he has showed me the copy. Convict No. 7974 is a hardened criminal with many previous convictions and Jail offences to his credit. Unless such anonymous petition writings on the part of convicts are put down, the discipline of the Jail could not be well maintained. I find no extenuating circumstances in favour of this convict. Convict No. 7974 is therefore given 24 lashes. Convict No. 8686, though only a tool in the hands of the other hardened criminal, cannot be let off with a lighter punishment, considering the gravity of the crime. He is also therefore given whipping but only 12 lashes.

Appendix I B.

***Vide* Answer to Question No. 175.**

Copies of remarks made in the Visitors' Book by Non-official Visitors from Kanni 1101.

I am of opinion that in addition to the humanitarian efforts made within the prison to reform the convict mind, there should be some agency or association outside to take care of the discharged prisoners, analogous to that in the Madras Presidency. This agency should take charge of the discharged prisoners at the prison gate, so that there should be no gap between their release and the taking charge. It should also watch over their movements and provide them with suitable employments or at least take care that they do not drift into their old unsafe and unfortunate environments. I would also suggest in this connection that somebody with prison experience as an officer could advantageously be deputed to visit prisons outside the State and obtain first-hand information as to the working in those prisons and how the discharged prisoners' aid societies, in Madras and elsewhere are working in their aid. I hope that the authorities will give early consideration to this all important suggestion.

Sd. K. S. NARAYANA AIYAR,
18-2-1101.

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12-5-1101. Visited the Jail and went round the whole place. The sanitation is satisfactory. Rice and vegetable are of good quality and cooking is conducted well. The kitchen is kept quite clean. The health of the prisoners is very satisfactory. There is a motor driver among the prisoners who looked poorly and complained of stomach troubles. I mentioned the matter to the doctor. The hospital contains only one patient and that shows the amount of attention paid by the authorities in respect of the health of the prisoners. I saw a prisoner who is sentenced to be hanged. I talked to him and he didn't show he was of sound mind. He may be examined once more or kept under observation in the Lunatic Asylum, I think, before he is sent to the gallows. There is one prisoner called Chengalom Mamath. He is too old, I think, to be able to escape stealthily although he was dangerous in that way a quarter of a century ago. As it is, his chains may be removed, I think. He complains bitterly of the trouble that is being caused by the chains.

My friend Mr. K. S. Narayana Aiyar's suggestion to have some agency to take care of the discharged prisoners is very good. A few prisoners have told me of their desire to lead a good life after they are released, but their description of their difficulty to do so is such that a useful body of men to protect their interests is capable of doing them a real service.

The suggestions to buy a magic lantern is also good. It could be made use of in the Jail as well as in educational institutions outside. The exhibitions are sure to produce stronger impressions than mere lectures or sermons could.

Sd. M. K. NARAYANA PILLAI.

14-5-1101. Visited the Jail at 3-40 P. M. Nothing particular to be noted.

Sd. G. PARAMESVARAN PILLAI.

30-7-1101. Visited the Jail at 3-30 P. M. Went round and found the condition of sanitation and food prepared for the evening meal satisfactory. The hospital is almost free from patients. There is one rheumatic patient who is in a very bad state. The inmates had nothing to complain. I find the general condition very satisfactory.

Sd. M. K. NARAYANA PILLAI.

Copies of remarks in the Visitors' Book by Official Visitors during the last three months of the year 1101.

Visited the Central Jail this morning. General health of the prisoners is very satisfactory.

Sd. K. RAMAN TAMPI.
6-5-1926.

23-10-1101. Visited the Central Prison this morning. Mr. Ramakrishna Aiyar, Jailor in charge, showed me round the institution. I inspected every ward and found all the arrangements satisfactory. The prisoners had no complaints to make and they generally looked cheerful.

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The medical officers attached to the Central Prison are, if I may be allowed to say so, changed rather frequently. This is a matter for the consideration of the Inspecting Medical Officer.

Sd. S. PARAMESVARA AIYAR,
District Magistrate.
5-6-1926.

Visited the Central Jail this morning. Examined the kitchen, the premises of the Jail, the inmates and the hospital. The sanitary condition is quite satisfactory. The health of the prisoners is satisfactory. I understand that the prisoners are given dried fish thrice a week. At present, as dysentery is very prevalent in the town and as there are very frequent, rains the quality of the dried fish will not be good. I would suggest for the present, the substitution of ¼ lb. of mutton once a week, instead of three days' fish. I see from the District Magistrate's remarks that he thinks frequent change of medical officers may not be desirable. In my opinion, as the medical officers have very little professional work, they are likely to become disgusted with their work and thereby become indifferent if kept here too long. I think the interest of the Institution will be best served by posting young and energetic officers for a short period, not exceeding a year.

Sd. K. RAMAN TAMPI.
15-11-1101.

Appendix II.

***Vide* Answer to Question No. 176.**

Statement of Vernacular Schools opened during 1098-1100.

Schools.	Year in which opened.					
	1098.		1099.		1100.	
	Departmental.	Private.	Departmental.	Private.	Departmental.	Private.
Primary Schools...	3	123	4	151	4	92
Vernacular Middle Schools ...	...	...	...	1	...	...
Vernacular High Schools ...	...	...	...	...	...	...

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